222 Delaware Avenue, Suite 900
P.O. Box 25130
Wilmington, DE 19899
Zip Code For Deliveries: 19801

THE BAYARD FIRM
ATTORNEYS

MERITAS LAW FIRMS WORLDWIDE
www.bayardfirm.com
302-655-5000
(Fax) 302-658-6395
Writer's Direct Access

(302) 429-4208
rkirk@bayardfirm.com

FILED ELECTRONICALLY

March 24, 2006

The Honorable Joseph J. Farnan, Jr.
United States District Court
844 North King Street
Wilmington, DE 19801

RE: *LG.Philips LCD Co., Ltd. v. Tatung Company of Amercia, et al.*
C.A. No. 05-292-JJF

Dear Judge Farnan:

In accordance with the Court's Order entered March 21, 2006, Plaintiff LG.Philips LCD Co., Ltd. ("LPL") submits this letter listing the five (5) claim terms that LPL requests the Court to construe.[1]

A. The '002 Patent

Turning first to U.S. Patent No. 5,019,002 ("the '002 Patent), LPL designates the following terms for construction: (1) "interconnecting;" (2) "outer electrostatic discharge guard ring;" and (3) "resistance."

(1) "interconnecting"

LPL maintains its position that the proper construction of the term "interconnecting" is

shorting.

The term "interconnecting" was used throughout the entire intrinsic record in a manner consistent with this single meaning. Indeed, the specification explicitly supports this construction. D.I. 135, Ex. A, the '002 Patent, at col. 5, l. 65 - col. 6, l. 9 (emphasis added). Figure 4 of the '002 Patent also illustrates interconnecting the row and column lines by shorting (*e.g.*, by short **88**). Further, figures 6 and 8 of U.S. Patent No.

---

[1] LPL had no choice but to submit five (5) terms for construction, under the Court's first option, because Defendants summarily refused to meet and confer regarding the second option presented by the Court, whereby the parties could jointly submit twelve (12) terms for construction.

4,820,222 ("the '222 patent"),[2] which is by the same inventor and is incorporated by reference into the '002 patent, illustrate two additional ways that the row and column lines are interconnected by shorting. Specifically, in figure 6 each of the row (gate) lines or buses is interconnected in a serpentine fashion by respective lines or shorts, and figure 8 illustrates an alternate interconnection scheme with additional interconnections. Because the intrinsic record is clear, reliance on extrinsic evidence is improper. D.I. 135 at 13.

Defendants' proposed construction of "electrically connecting with *conductors*" improperly limits the term "interconnecting" to a single embodiment. There is nothing in the specification or prosecution history that supports deviating from the meaning of "interconnecting" to be shorting. Further, Defendants' reliance on extrinsic evidence, *i.e.*, the Declaration of Webster Howard, is improper. D.I. 143 at 7-8.

Accordingly, for all the reasons enunciated in LPL's *Markman* briefs and presentation, this Court should adopt LPL's proposed construction of "interconnecting" to be **shorting**.

(2) "outer electrostatic discharge guard ring"

LPL maintains that the intrinsic record makes clear that the proper construction of the term "outer electrostatic discharge guard ring" is

a closed or open ring, or open L or C-shaped line, outside the active matrix display to provide protection from electrostatic discharges.

D.I. 135 at 17-19. For example, the specification discloses:

> An external ESD guard ring can be formed, which provides protection during manufacture of the displays, however, the external ESD guard ring is removed at the end of the display manufacturing process.

D.I. 135, Ex. A, the '002 Patent, at col. 2, ll. 62-65. Because the intrinsic record is clear, reliance on extrinsic evidence is improper. D.I. 135 at 17-19.

Defendants' proposed construction of "a ring of conductor, located *external to the inner electrostatic discharge guard ring* if the two rings are used together, for *draining off* static buildup *to prevent* electrostatic discharge," violates the doctrine of claim differentiation by reading the "inner electrostatic discharge guard ring" limitation of dependent claim 8 into independent claim 1. By doing so, Defendants have in effect made this limitation superfluous. D.I. 143 at 9-10. Further, Defendants have narrowly construed the outer electrostatic discharge guard ring as *preventing* electrostatic discharge, without any support in the intrinsic record. In addition, given that the intrinsic record is unambiguous, Defendants' construction improperly relies on expert testimony. *Id.*

---

[2] For the Court's convenience, a copy of the '222 Patent, incorporated by reference at col. 2, lines 30-36 of the '002 Patent (with the patent number corrected by the Certificate of Correction), is attached hereto.

Accordingly, for all the reasons enunciated in LPL's *Markman* briefs and presentation, this Court should adopt LPL's proposed construction of "outer electrostatic discharge guard ring" to be **a closed or open ring, or open L or C-shaped line, outside the active matrix display to provide protection from electrostatic discharges**.

(3) "resistance"

LPL maintains its position that the proper construction of the term "resistance" is

any component used to cause a voltage drop during current flow.

All of the intrinsic sources of claim construction support this ordinary meaning. D.I. 135 at 13-14. Indeed, the most compelling support is the specification's explicit disclosure that "[t]he line 210 is connected to the other set of gate or source lines by a shunt line 224, a shunt transistor 226 and a large resistance 228, such as 100 K ohms (illustrated schematically)." D.I. 135, Ex. A, the '002 Patent, at col. 8, ll. 23-26; D.I. 143 at 10-13. First, the use of the general term "resistance" supports an exemplary general construction that is not limited to a specific component (*e.g.*, transistor, diode, resistor, etc.). Second, the phrase "such as 100 K ohms" refers to an exemplary measure of a resistance, leaving open the specific component providing this measure of resistance. In addition, the use of the phrase "illustrated schematically" indicates that the figure discloses an example or preferred embodiment of a resistance. There is no suggestion whatsoever in the intrinsic record that resistance should be limited to the schematic illustration. D.I. 143 at 10-13.

The prosecution history relating the *Hynecek* reference also supports this construction. D.I. 143 at 11-13. For example, the Applicant argued that "Hynecek removes the interconnect **4** between device **3**, but does not provide row and column line connections or remove such connection *if resistance 11 is taken to be such a connection*." D.I. 135, Ex. G at 2 (emphasis added). One of ordinary skill in the art would understand this conditional argument, where the prosecuting attorney was agreeing with the broad construction of "resistance" proffered by the Examiner, to clearly show that the Applicant intended "resistance" to be a broad term, not limited to a specific component.

Defendants' proposed construction is that "[a]resistance, as it is used in the claims, means a resistor, which is an electric circuit element that has a specified resistance to the flow of electrical current. A resistance does not include switching elements such as transistors and diodes." This proposed construction improperly relies on the single embodiment illustrated schematically in figure 7. D.I. 143 at 10-13. Further, because the intrinsic record is unambiguous, Defendants' construction improperly relies on expert testimony.

Accordingly, for all the reasons enunciated in LPL's *Markman* briefs and presentation, this Court should adopt LPL's proposed construction of "resistance" to be **any component used to cause a voltage drop during current flow.**

B. The '121 Patent

Turning next to U.S. Patent No.6,738,121 ("the '121 Patent"), LPL designates the following terms for construction: (1) "bending part;" and (2) "dummy bending part."

(1) "bending part"

LPL maintains its position that the proper construction of "bending part" is

a bendable part of the tape carrier package where the base film is removed.

The intrinsic record clearly supports this ordinary meaning. D.I. 135 at 26; D.I. 143 at 24-26. Indeed, the language of claim 1 recites: "a first bending part in which a second portion of *the base film* existing at *a bent position* between the dummy bending part and the integrated circuit chip *is removed*." Further, the specification discloses that: (a) "[t]he TCP between the PCB **6** and the D-IC **38** is easily bent by the first bending part **30a**; and (b) "[t]he TCP between the liquid crystal panel 2 and the D-IC **38** is easily bent by the second bending part **30b**." D.I. 135, Ex. B, the '121 Patent, at col. 5, ll. 15-17 and 22-24. As the intrinsic record is unambiguous, reliance on extrinsic evidence is improper. D.I. 135 at 26; D.I. 143 at 24-26.

Defendants' proposed construction of "*area* of tape carrier package where a portion of the base film is removed *where* the tape carrier package is *to be folded*" narrows the scope of this simple and straightforward claim term because the ordinary meaning of "bent" is not the same as "folded." In addition, Defendants' proposed construction improperly limits the term to a preferred embodiment, violates the doctrine of claim differentiation, and improperly relies on extrinsic evidence. D.I. 143 at 24-26. First, the intrinsic record does not support equating the meaning of "bent" and "folded," and Defendants' reliance on figure 1A to import a "folded" limitation from the specification is improper. Second, Defendants have violated the doctrine of claim differentiation because: (a) Claim 1 recites that the bending part exists at a "bent position," and later *in the same claim* uses the term "folded;" and (b) Claim 14 recites bending part "at an area" where the tape carrier package is "folded," whereas claim 1 recites bending part at a "bent position." Furthermore, because the intrinsic record is unambiguous, Defendants' construction improperly relies on expert testimony, *i.e.*, the Declaration of David Michael Holmes.

Accordingly, for all the reasons enunciated in LPL's *Markman* briefs and presentation, this Court should adopt LPL's proposed construction of "bending part" to be **a bendable part of the tape carrier package where the base film is removed**.

(2) "dummy bending part"

LPL maintains its position that the proper construction of "dummy bending part" is

a bendable part of the tape carrier package where the base film is removed, which has a function other than bending.

The intrinsic record makes clear the difference between the "dummy" bending part and the bending part: a "dummy bending part" has a function other than bending, while a "bending part" is the bendable part of the tape carrier package to be bent. D.I. 135 at 27-29. Indeed, the language of claim 1 recites: "a dummy bending part in which a portion of the base film is removed . . . *for reducing* a thermal expansion force and a thermal contraction force generated when thermal-pressing the output pad part onto the liquid crystal panel." Further, the specification repeatedly references the various advantages provided by the dummy bending part, none of which relates to bending. D.I. 135 at 28. For example, the specification discloses that the dummy bending part "is capable of reducing a brightness difference of the screen." D.I. 135, Ex. B, the '121 Patent, at col. 3:34-36. Because the intrinsic record is clear, reliance on extrinsic evidence is improper. D.I. 135 at 28.

Defendants' proposed construction of "area on TCP where a portion of the base film is removed *between either the input or output pad part and the driving integrated circuit* where the tape carrier package *is not folded*," violates the doctrine of claim differentiation, limits the term to a preferred embodiment, and improperly relies on extrinsic evidence. D.I. 143 at 27-29. First, Defendants have, once again, violated the doctrine of claim differentiation because: (a) Claim 1 recites "at a position, close to any one of the output pad part or the input pad part, where the tape carrier package is not folded" as a separate limitation, whereas claims 2, 3, 4, 8 and 13 do not include this "not folded" limitation; and (b) Claims 5-13 recite that the dummy bending part is "between the pad part and the integrated circuit chip," whereas claim 1 does not include this limitation. Second, in attempting to read limitations from the specification into the claims, Defendants cite to numerous excerpts from the specification, none of which states that the dummy bending part is "between either the input or output pad part and the driving integrated circuit." D.I. 143 at 27-28. In addition, Defendants improperly rely on Mr. Holmes' declaration, even though there is an absence of ambiguity in the intrinsic record as to the term "dummy bending part." *Id.*

Further, the Applicants' statements in the prosecution history, relating to figure 6 of U.S. Patent No. 5,398,128 ("the *Tajima* reference") and figure 6 of U.S. Patent No. 5,668,700 ("the *Tagusa* reference"), support LPL's proposed construction. Specifically, in response to the Examiner's identification of a purported "dummy bending part" in the folded area of figure 6 of the *Tajima* reference, the Applicants distinguished the *Tajima* reference by arguing that the base film "is removed only where the tape carrier package is folded." D.I. 135, Ex. D at 12. This does not in any way support Defendants' attempt to equate the meaning of bending to be the same as folding since this does not mean that the folded area is limited to only where the base film is removed. Those terms have different meanings. Similarly, with regard to the *Tagusa* reference, the Applicants argued that "the substrate **2** is partially removed only where the wiring board **42** is folded." *Id.* In figure 6 of the *Tagusa* reference, the substrate or base film is partially removed at two bent positions, referred to as "bent portion[s]" within a folded area. This again demonstrates that there is a difference in meaning between bending and folding. Thus, Defendants' proposed construction improperly limits "dummy bending part" to a location where the tape carrier package is not folded.

Accordingly, for all the reasons enunciated in LPL's *Markman* briefs and presentation, this Court should adopt LPL's proposed construction of "dummy bending part" to be **a bendable part of the tape carrier package where the base film is removed, which has a function other than bending**.

Respectfully submitted,

/s/ Richard D. Kirk (rk0922)

RDK/slh
cc: Clerk of the Court (by hand)
All counsel as shown on the attached certificate